

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
Case No. 5:17-cv-00281-BO

FILED

DEC 04 2017

PETER A. MOORE, JR., CLERK
US DISTRICT COURT, EDNC
BY PM DEP CLK

AMAR P. SINGH,

Plaintiff,

v.

GEICO INSURANCE AGENCY, INC. and
INSURANCE AUTO AUCTIONS. CORP.,

Defendants.

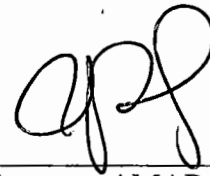
MOTION FOR SUMMARY JUDGMENT

NOW COMES the Plaintiff pursuant to Rule 56 of the Rules of Civil Procedure, for Summary Judgment finding that: (1) Defendants have failed to answer to the complaint and have accepted the allegations in the complaint as true, (2) Defendants have not sought discovery during the process and have only responded by making motions for extensions of time; (3) Defendants motion to dismiss has not been calendared despite filing the motion several months ago; (4) Defendants admit in their quasi response briefs, without ever providing an Answer, that their repair estimate was "erroneous" in the Auction Advertisement and admit that they were approximately \$40,000.00 off on the repair estimate while still providing that the vehicle was run-and-drive yet claiming that the vehicle was obviously salvage even though the pictures only show very minor damage; and that despite ample opportunity to defend themselves in this action have failed to Answer the complaint and have failed to calendar a motion to dismiss which was scheduled several months ago and have engaged in stall tactics and thus there is no genuine issue as to any material fact as shown by the lack of pleadings, no depositions taken, no Answer to the complaint, no discovery served upon Plaintiff and because of the Defendants failure to take any action in this

matter despite being given at least four motions for extension of time have failed to take any action in this matter and therefore Plaintiff is entitled to Judgment as a matter of law.

WHEREFORE, the Plaintiff requests that his motion for summary judgment against the defendants for failure to Answer the Complaint or to provide any defense makes summary judgment as to the Defendants' liability as stated in the Complaint.

This the 3rd day of December, 2017.



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CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served Plaintiff's MOTION FOR SUMMARY JUDGMENT in this action upon all parties to this cause by depositing a copy in a postpaid wrapper in a post office or official depository under the exclusive care and custody of the United States Postal Service, properly addressed to the attorney or attorneys for said parties, as listed below:

Stephen D. Feldman
Ellis & Winters LLP
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Raleigh, NC 27636
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Fax: 919-865-7010

3rd
This is the ___ day of December, 2017.



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